UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,802	12/29/2000	Wolfgang Roesner	AUS920000224US1	5324

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EXAMINER
STEVENS, THOMAS H

ART UNIT	PAPER NUMBER
2123	

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/751,802	Applicant(s) ROESNER ET AL.
	Examiner Thomas H. Stevens	Art Unit 2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *12/29/00 & 10/01/01*.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-16* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-16* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *29 December 2000* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *2/10/01/00*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-16 were examined for prosecution.

Drawings

2.   Figures 1 and 2 represent data processing systems and thus should be labeled as prior art.

Specification

3.   The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication (pg. 1 of the specification) is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

Claim Interpretation

4.   Office personnel are to give claims their **"broadest reasonable interpretation"** in light of the supporting disclosure. *In re Morris,* 127 F.3d 1048, 1054-55, 44 USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re*

Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-551(CCPA 1969). See

also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322(Fed. Cir. 1989)

("During patent examination the pending claims must be interpreted as broadly

as their terms reasonably allow") .... The reason is simply that during patent

prosecution when claims can be amended, ambiguities should be recognized,

scope and breadth of language explored, and clarification imposed .... An

essential purpose of patent examination is to fashion claims that are precise,

clear, correct, and unambiguous. Only in this way can uncertainties of claim

scope be removed, as much as possible, during the administrative process. **The**

examiner equates "field" with "files" since files encompass the creation of

fields in the context of software design syntax.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   The applied reference has a common assignee with the instant

application. Based upon the earlier effective U.S. filing date of the reference, it

constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C.

102(e) might be overcome either by a showing under 37 CFR 1.132 that any

invention disclosed but not claimed in the reference was derived from the

inventor of this application and is thus not the invention "by another," or by an

appropriate showing under 37 CFR 1.131.

7.   Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by

Bargh et al. (U.S. Patent 6,223,142 (1998)).

        Bargh et al. teaches a method and a system that utilizes compiling

instrumentation logic into a simulation model of a digital circuit design (abstract).

Claim 1: A computer-readable medium (figure 1) having stored thereon a data

structure comprising: an event name field containing data representing a

simulation event (column 16, lines 54-57); and a design entity field containing

data representing an entity name of a design entity from which said simulation

event is generated (column 8, lines 5-19).

Claim 2: The computer-readable medium of claim 1, wherein said simulation

event is a count event, a fail event, or a harvest event (column 12, lines 61-65).

Claim 3: The computer-readable medium of claim 1, wherein said data structure further comprises an instantiation identifier (column 8, lines 57-61) field containing data specifying an instance of said design entity from which said simulation event is generated.

Claim 4: The computer-readable medium of claim 1, wherein said data structure further comprises an instrumentation entity field containing data representing an instrumentation entity (abstract: line 7) that generates said simulation event from within said design entity.

Claim 5: The computer-readable medium of claim 4, wherein said design entity field and said instrumentation entity field produce a unique event namespace for each instrumentation entity associated with said design entity (column 12, lines 31-41).

Claim 6: The computer-readable medium of claim 4, wherein said instrumentation entity field contains the name of an embedded instrumentation entity (column 15, lines 32-40 and 54-57).

Claim 7: The computer-readable medium of claim 4, wherein said instrumentation entity field (abstract: line 7) further contains data specifying an

instance of said instrumentation entity that generates said simulation event from within said design entity (abstract: lines 9-10).

Claim 8: The computer-readable medium of claim 1, wherein said simulation event is defined in an instrumentation entity comment (column 25, lines 41-47), and wherein said data within said event name field includes the name given to said simulation event within said instrumentation entity (column 4, lines 7-24) description comment.

Claim 9: The computer-readable medium of claim 1, wherein said design entity name is unique with respect to entity names of other design entities (column 7, lines 17-31).

Claim 10: A method for processing a simulation event during model simulation, said method comprising (column 18, lines 39-44): associating a design entity identifier with simulation event (abstract); and evaluating occurrences of said simulation event with said simulation model in accordance with said design entity identifier.

Claim 11: The method of claim 10, wherein said design entity identifier includes a design entity name, and wherein said associating step further comprises

encoding said design entity name within a hardware description language

declaration of said simulation event (figure 3c).

Claim 12: The method of claim 1, wherein said design entity identifier further

includes a design entity instantiation identifier, and wherein said associating step

further comprises encoding said design entity instantiation identifier (column 8,

55-65) within said hardware description language declaration (column 15, lines 5-

10) of said simulation event.

Claim 13: The method of claim 10, further comprising associating an event name

with said simulation event (column 16, lines 54-57).

Claim 14: The method of claim 10, further comprising associating an

instrumentation entity with said simulation event, wherein said instrumentation

entity instantiated within said design entity (abstract).

Claim 15: The method of claim 14, further comprising generating at least one

instance of said design entity (column 28, line 14).

Claim 16: The method of claim 15, wherein said generating step further comprises generating an instrumentation instance data structure wherein said simulation event is declared (column 22, lines 25-34; and column 3, lines 48-50).
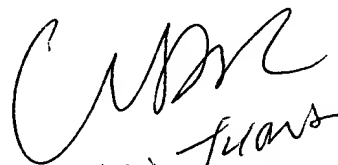
Correspondence Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Stevens whose telephone number is (703) 305-0365, Monday-Friday (8:30 am- 5:30 pm) or contact Supervisor Mr. Kevin Teska at (703) 305-9704. The fax number for the group is 703-872-9306.

Any inquires of general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (703) 305-3900.

April 2, 2004

THS